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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,463	01/31/2001	Susan M. Janz	10003900-1	7071

22879 7590 05/19/2004

HEWLETT PACKARD COMPANY
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INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

CASIANO, ANGEL L

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/773,463	Applicant(s) JANZ ET AL.	
	Examiner Angel L. Casiano	Art Unit 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The present Office action is in response to application filed 31 January 2001.
2. Claims 1-19 are pending.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 18 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Claim 18 and 19 recite the limitation "program storage device" in reference to claim 15. However, claim 15 is directed to a *system*. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-2, 4-10, and 12-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Klebanov [US 6,397,327 B1].

Regarding claim 1, Klebanov teaches a method for modifying an index of fleet devices (see col. 2, lines 31-37; "registry", "peripheral devices"). The prior art method teaches:

- (a) Discovering a modification action for the index (see "identified"; col. 2, line 35);
- (b) Discovering a fleet device for modification in the index (see col. 2, line 35); and,
- (c) Implementing the modification action in the index (see "modified"; col. 2, line 36).

As for claim 2, Klebanov teaches removal of the fleet device from the index (see col. 2, line 37).

As for claim 4, Klebanov teaches identification of the fleet device as removed (see col. 6, lines 61-62).

As for claim 5, Klebanov teaches addition of a fleet device to the index (see "registry"; Abstract).

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As for claim 6, Klebanov teaches addition of the fleet device, verification of a unique identifier (see “identified”, col. 2, line 34).

As for claim 7, the prior art creates a record (“includes information”; col. 6, lines 22-23) for the fleet device, after addition.

As per claim 8, Klebanov teaches collecting data for the fleet device (see col. 6, lines 34-36).

Regarding claims 9-10 and 12-16, these are directed to the *system* for modifying an index of fleet devices. The cited prior art teaches all the limitations corresponding to claims 1-2 and 4-8. These claims recite the method for modifying an index of fleet devices. Therefore, the prior art of record also teaches all the limitations corresponding to the *system* for *implementing* the method. Accordingly, claims 9-10 and 12-16 are rejected under the same basis.

Regarding claim 17, Klebanov teaches the *instructions* to perform the method for modifying an index of fleet devices (see col. 2, lines 31-37; “registry”, “peripheral devices”). The prior art method discloses:

- (a) Discovering a modification action for the index (see “identified”; col. 2, line 35);
- (b) Discovering a fleet device for modification in the index (see col. 2, line 35); and,
- (c) Implementing the modification action in the index (see “modified”; col. 2, line 36).

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As for claim 18, Klebanov teaches removal of the fleet device from the index (see col. 2, line 37).

As for claim 19, Klebanov teaches addition of a fleet device to the index (see "registry"; Abstract).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klebanov [US 6,397,327 B1] in view of Lecheler et al. [US 6,469,986 B1].

As per claim 3, Klebanov teaches a method where a fleet device is removed from an index. However, the cited art does not explicitly teach *capturing final usage data for the fleet device*. Regarding this limitation, Lecheler et al. teaches a management method where usage data is collected for a device, as part of a "performance poll" (see col. 5, line 67). In addition, the cited reference discloses a "configuration poll", where *removal* of devices is determined. Accordingly, one of ordinary skill in the art would have been motivated to combine the cited disclosures in

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order to collect information regarding errors, processor usage, memory usage and general performance (see col. 5, line 67; col. 6, lines 1-2). The combination of references would have provided information on how devices had been used and their performance (see Lecheler et al., col. 5, lines 62-63) in the cited step of *device removal*.

Regarding claim 11, this is directed to the *system* for modifying an index of fleet devices. The combination of prior art teaches all the limitations corresponding to claim 3. This claim recites the method for modifying an index of fleet devices. Therefore, the prior art of record also teaches all the limitations corresponding to the *system* for *implementing* the method. Accordingly, claim 11 is rejected under the same rationale.

Conclusion

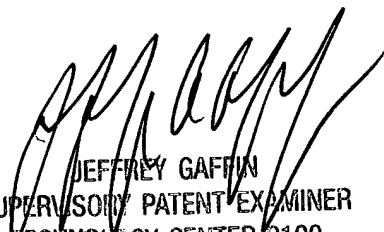
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angel L. Casiano whose telephone number is 703-305-8301. The examiner can normally be reached on 9:30-6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 703-308-3301. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

alc
13 May 2004.



JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100